

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL NO. 132 PENSION FUND,

Plaintiff,

v.

CIVIL ACTION NO. 3:19-0531

LEANNE BRISTOW, as Administratrix of the
Estate of REBEKAH R. BOONE, and individually,

Defendant.


ORDER

Pending before the Court is Plaintiff International Union of Operating Engineers, Local No. 132 Pension Fund's Motion for Default Judgment. *Mot. for Default J.*, ECF No. 18. Under Rule 55(b) of the Federal Rules of Civil Procedure, a party is entitled to default judgment when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend itself. Here, Plaintiff served Defendant Leanne Bristow with a copy of the Summons and Complaint on July 31, 2019. *See* ECF No. 11. As "a defendant must serve an answer . . . within 21 days after being served with the summons and complaint," Fed. R. Civ. P. 12(a)(1), a responsive pleading was due on August 20, 2019. Defendant failed to file any such pleading, and the Clerk accordingly entered default against Defendant on September 23, 2019. *See Entry of Default*, ECF No. 10. On November 5, 2018, Plaintiff filed the instant motion along with two affidavits and six exhibits demonstrating the amount due—in this case, \$1,338.04 in overpaid funds and \$642.80 in other costs. *See Mot. for Default J.*, at 1–2.

Based upon its review of the motion, affidavits, and exhibits, the Court has determined that a hearing is unnecessary because Plaintiff's claim is uncontested and is supported by sufficient evidence. In accordance with Rule 55(b) of the Federal Rules of Civil Procedure, the Court **GRANTS** Plaintiff's motion, ECF No. 18, **ENTERS** default judgment against Defendant Leanne Bristow in the sum of \$2,030.84, and **ORDERS** this case stricken from the docket.

The Court **DIRECTS** the Clerk to send a copy of this written Order to counsel of record and any unrepresented parties.

ENTER: December 2, 2019



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE